

## **REMARKS**

### **Allowable Subject Matter**

Applicants' gratefully acknowledge the Examiner's indication that claims 8, 11 and 12 recite allowable subject matter.

### **Amendments**

Claim 1 is amended to recite that R<sup>b</sup> in formula I is alkenyl with 2 to 9 carbon atoms, and that the mixture contains at least one compound of formula II. See, e.g., page 6, lines 20-21 and page 11, line 25-page 12, line 5. As a result, claim 2 is amended to be consistent with the language of claim 1, and claim 5 is cancelled. Claims 6-9 are amended to recite that the mixture "further comprises" the respective compounds. Claims 11 and 12 are amended to correct an obvious typographical error. Claims 13 and 14 are amended to recite that r is 2 and that the phenyl ring is substituted by L in 3- and 5-position. See, e.g., page 6, lines 16-18.

New claims 18-20 correspond to original claims 8, 11 and 12 rewritten in independent form. New claim 21 recites that the compound has a phenyl ring that is substituted by L in 3- and 5-position. See, e.g., page 6, lines 16-18. Claim 22 recites a compound of formula Ia in which r is 0 and the wing groups are each CH<sub>3</sub>. See, e.g., page 6, line 30-page 7, line 15 and Example 1. New claim 23 recites the compound described in Example 1. New claims 24-26 are similar to claim 16, except that they depend from claims 21-23, respectively.

New claims 27-35 are directed to further aspects of applicants' invention. See, e.g., page 6, lines 20-23 and page 8, lines 8-23.

### **Rejection under 35 USC §112, second paragraph**

As mentioned above, claims 6-9 are amended to recite that he mixtures further comprise the recited compounds. Withdrawal of the rejection is respectfully requested.

**Rejection under 35 USC §102(b) in view of Bezborodov et al.**

Claims 13 and 14 are rejected as allegedly being anticipated in view of the article by Bezborodov et al. This rejection is respectfully traversed.

In the rejection it is argued that formula 1d of Bezborodov et al., set forth at the top of page 937, discloses a compound "1,4-bis(trans-4-alkenyl-1-cylohexyl)benzenes." However, this is not a compound but a genus of compounds. Similarly, formula 1d of Bezborodov et al. does not describe a compound, but instead describes a genus of compounds. The rejection does not indicate how this genus anticipates. Moreover, the genus of formula 1d is indefinite in that no values or range of values are provided for the subscripts m and n. The subscripts m and n are used through the disclosure of Bezborodov et al. values ranging from 1 to 9 for m and 1 to 10 for n. However, these values are all used with regards to other formulas, not formula 1d.

In any event, Bezborodov et al. does not describe any compound in which a phenyl ring is substituted by F, Cl, CN, OCH<sub>3</sub> or a mono- or polyhalogenated alkyl, alkoxy, alkenyl or alkenyloxy group having up to 3 carbon atoms, let alone substituted by such groups in the 3- and 5-positions.

Withdrawal of the rejection under 35 USC §102(b) is respectfully requested.

**Rejection under 35 USC §102(b) in view of Reiffenrath et al. (DE 4,426,799)**

Claims 1-4 and 13-16 are rejected as allegedly being anticipated by Reiffenrath et al. (DE '799). This rejection is also respectfully traversed.

DE '799 discloses a genus of compounds exhibiting one or more 1,4-phenylene rings that may be substituted in the 2-, 3- or 2-and 3- positions by F. See formula I at page 2.

In the rejection reference is made to formulas I3, I6 and I9 (see pages 3-4), and schemes 2 and 6 (see pages 7 and 11). However, the formulas referred to do not describe an individual compound. They each describe a genus of compounds. The rejection does not indicate how any of these genera anticipates.

In any event, DE '799 does not describe any compound in which a phenyl ring is substituted by F, Cl, CN, OCH<sub>3</sub> or a mono- or polyhalogenated alkyl, alkoxy, alkenyl or

alkenyloxy group having up to 3 carbon atoms in the 3- and 5-positions.

Withdrawal of the rejection under 35 USC §102(b) is respectfully requested.

**Rejection under 35 USC §103(a) in view of Reiffenrath et al. (DE 4,426,799)**

Claims 5-7, 9-10, and 17 are rejected as allegedly being obvious in view of Reiffenrath et al. (DE '799). This rejection is also respectfully traversed.

The rejection acknowledges that DE '799 does not teach the additional components recited in applicants' claims 5-7, 9-10, and 17. However, it is asserted that it would be obvious to one of ordinary skill in the art to modify the exemplified mixtures of DE '799 (see Examples A-N) so as to replace the compound identified as CCGI-V-01 with a compound selected from formulas I3, I6, and I9.

However, the rejection presents no rationale as to why one of ordinary skill in the art would select a compound of formulas I3, I6, or I9, from all the compounds encompassed by formula I of DE '799, to replace CCGI-V-01 in the mixture examples. Why select a compound of formulas I3, I6, or I9, rather than a compound selected from, for example, formulas I1, I2, I4, I5, I7, I8, or I10-I14? Moreover, even if the substitution is made as suggested, nothing in the rejection suggests that the resultant mixtures would possess the additional compounds recited in claims 5-7, 9-10, and 17.

In any event, nothing within the disclosure of DE '799 suggests a mixture comprising a bisalkenyl compound of applicants' formula I in combination with a compound of applicants' formula II. Compare applicants' claim 1 from which claims 5-7, 9-10, and 17 all depend.

In view of the above remarks, it is respectfully submitted that DE '799 fails to render obvious applicants claimed invention as recited in claims 5-7, 9-10, and 17. Withdrawal of the rejection under 35 USC §103(a) is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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